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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 DANA LUCE,

9 Plaintiff,

10 v.

11 MICHAEL J. ASTRUE,
Commissioner of Social Security,

12 Defendant.

CASE NO. C08-5421RBL

ORDER

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14 The Court, having reviewed plaintiff's complaint, the Report and Recommendation of Judge J.
15 Kelley Arnold, United States Magistrate Judge, and objections to the report and recommendation, if any,
16 and the remaining record, does hereby find and ORDER.

- 17 (1) The Court adopts the Report and Recommendation.
- 18 (2) The matter is therefore REMANDED to the administration sentence-six of 42 U.S.C. §
19 405(g). Specifically, upon receipt of this Order, the Appeals Council will continue to search
20 for the missing recording of the administrative hearing held on January 15, 2008. If the
21 recording cannot be located within 90 days, the Appeals Council shall remand the case for a
22 de novo hearing.
- 23 (3) The Clerk is directed to send copies of this Order to plaintiff's counsel, defendant's counsel
24 and Magistrate Judge J. Kelley Arnold.

25 DATED this 24th day of October, 2008.

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27 RONALD B. LEIGHTON
28 UNITED STATES DISTRICT JUDGE